

# FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
600 CONGRESS AVENUE, SUITE 2400  
AUSTIN, TEXAS 78701-2978  
WWW.FULBRIGHT.COM

STEVEN L. HIGHLANDER  
PARTNER  
SHIGHLANDER@FULBRIGHT.COM

DIRECT DIAL: (512) 536-3184  
TELEPHONE: (512) 474-5201  
FACSIMILE: (512) 536-4598

October 17, 2008

Shin Lin Chen, Examiner  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

CERTIFICATE OF ELECTRONIC TRANSMISSION  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being  
electronically filed with the United States Patent and  
Trademark Office via EFS-Web on the date below:

October 17, 2008

Date

Steven L. Highlander

RE: *U.S. Patent Application No. 09/558,472 entitled "DIAGNOSIS AND TREATMENT OF MYOCARDIAL FAILURE" – Michael R. Bristow et al.*  
*Confirmation No.: 8819*  
*Our reference: MYOG:004USD1*

Dear Examiner Chen:

After reviewing each of the Office Actions and the Notice of Allowability, it has come to our attention that a reference listed on a Form PTO-1449 with an Information Disclosure Statement submitted on October 2, 2003, was not signed off by an Examiner.

For your convenience we have enclosed a copy of the Form PTO-1449 page from the Information Disclosure Statement that was filed with the Patent and Trademark Office (PTO) on October 2, 2003. Although the bottom of the page is signed and dated and initials were entered for references A1-A3, and C1-C7, reference B1 was not initialed. A copy of the reference previously submitted has not been attached. Please let us know if you would like us to resubmit the reference as well.

Please indicate you have considered this reference from this page of an Information Disclosure Statement. If you need additional information, please let us know.

Thank you for your assistance in this matter.

Very truly yours,

Steven L. Highlander

SLH/jst  
Attachment

55293212.1

AUSTIN • BEIJING • DALLAS • DENVER • DUBAI • HONG KONG • HOUSTON • LONDON • LOS ANGELES • MINNEAPOLIS  
MUNICH • NEW YORK • RIYADH • SAN ANTONIO • ST. LOUIS • WASHINGTON DC

Form PTO-1449 (modified)

Atty. Docket No.  
MYOG:004USD1Serial No.  
09/558,472

List of Patents and Publications for Applicant's

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant  
Michael Bristow *et al.*Filing Date:  
April 25, 2000Group:  
1632

## U.S. Patent Documents

See Page 1

## Foreign Patent Documents

See Page 1

## Other Art

See Page 1

## U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
TNT	A1	5,219,727	6/15/93	Wang <i>et al.</i>	435	6	9/28/89
TNT	A2	5,476,774	12/19/95	Wang <i>et al.</i>	435	91.2	03/09/93
TNT	A3	5,580,722	12/03/96	Foulkes <i>et al.</i>	435	6	02/07/92

## Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No
	B1	WO00/15821	03/23/00	PCT			

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
TNT	C1	Alexander <i>et al.</i> , "Gene transfer and models of gene therapy for the myocardium," <i>Clin. Exp. Pharmacol. Physiol.</i> , 26:661-668, 1999.
	C2	Arai <i>et al.</i> , "Alterations in sarcoplasmic reticulum gene expression in human heart failure," <i>Circulation Research</i> , 72(2):463-469, 1993.
	C3	Boluyt <i>et al.</i> , "Alterations in cardiac gene expression during the transition from stable hypertrophy to heart failure," <i>Circ. Res.</i> , 75:23-32, 1994.
	C4	Bouvagnet <i>et al.</i> , "Distribution pattern of $\alpha$ and $\beta$ myosin in normal and diseased human ventricular myocardium," <i>Basic Res. Cardiol.</i> , 84:91-102, 1989.
	C5	Bristow <i>et al.</i> , "Reduced $\beta 1$ receptor messenger RNA abundance in the failing human heart," <i>J. Clin. Invest.</i> , 92:2737-2745, 1993.
	C6	Calovini <i>et al.</i> , "Steroid-hormone regulation of myosin subunit expression in smooth and cardiac muscle," <i>Journal of Cellular Biology</i> , 59:69-78, 1995.
TNT	C7	Chen <i>et al.</i> , "Regulation of human cardiac myosin heavy chain genes: the effect of catecholamine," <i>Biochemical and Biophysical Research Communications</i> , 188(2):547-553, 1992.

25339629.1

EXAMINER:

*Eleazar*

DATE CONSIDERED:

3.09.04

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.